

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CARLOS FERREIRA, :
: Plaintiff, : ORDER DENYING MOTION
: -against- :
: :
DETECTIVE JANKO ROSADO, THE : 05 Civ. 3754 (AKH)
CITY OF NEW YORK, THE POLICE :
DEPARTMENT OF THE CITY OF NEW :
YORK, AND THE SPECIAL NARCOTICS:
PROSECUTOR'S OFFICE OF THE CITY :
OF NEW YORK, :
: Defendants. :
-----x

ALVIN K. HELLERSTEIN, U.S.D.J.:

Plaintiff Carlos Ferreira filed this complaint against New York City Police Detective Janko Rosado individually as well as against municipal defendants, the City of New York, the Police Department of the City of New York and the Special Narcotics Prosecutor's Office of the City of New York, pursuant to 42 U.S.C. § 1983. Plaintiff alleges that his constitutional rights were violated when Defendant Rosado extorted money from Plaintiff and directed him to commit illegal acts. Defendant Rosado has moved for judgment on the pleadings pursuant to Rule 12(c), Fed. R. Civ. P., on the grounds that Plaintiff's claims are barred by the applicable statute of limitations. The municipal defendants have also moved for judgment on the pleadings and plaintiff concedes that their motion should be granted. The complaint against these defendants is therefore dismissed.

With regard to the complaint against individual Defendant Rosado, I find

that triable issues of fact exist as to the propriety of tolling the applicable statute of limitations and the Defendant's motion is therefore denied.

The parties remaining in this case should appear before me for a status conference on Friday, December 9, 2006 at 9:30 a.m. in Courtroom 14D, 500 Pearl Street.

SO ORDERED.

Dated: New York, New York
December 2, 2005



ALVIN K. HELLERSTEIN
United States District Judge